

STATE OF MICHIGAN  
COURT OF APPEALS

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VALERIE E. SFREDDO and JOSEPH  
SFREDDO,

UNPUBLISHED  
January 31, 2006

Plaintiffs-Appellants,

v

UNIVERSITY OF MICHIGAN REGENTS and  
UNIVERSITY OF MICHIGAN HEALTH  
SYSTEMS,

No. 249912  
Court of Claims  
LC No. 02-000179-MH

Defendants-Appellees.

ON REMAND

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Before: Bandstra, P.J., and Fitzgerald and Hoekstra, JJ.

FITZGERALD, J. (*concurring in part and dissenting in part*).

For the reasons stated in my prior concurring and dissenting opinion in *Sfreddo v University of Michigan Regents*, unpublished opinion per curiam of the Court of Appeals, issued August 19, 2004 (Docket No. 249912), slip op pp 1-3, I disagree with the majority's reaffirmance in footnote 4 of their prior determination that the trial court correctly concluded that plaintiffs' claims of ordinary negligence in their amended complaint were in fact claims of medical malpractice.

/s/ E. Thomas Fitzgerald